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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,183	03/01/2005	Michel Lucas	FR 020092	7052

24737 7590 11/10/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
LEWIS, JONATHAN V	

ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
11/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,183	LUCAS ET AL.	
	Examiner	Art Unit	
	JONATHAN LEWIS	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11,12,15,16 and 19* is/are rejected.

7)☐ Claim(s) *13,14,17,18 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment filed July 27, 2009. Claims 1-9, 11-20 are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments with respect to claims 1-9, 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 13-14, 17-18, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-6, 11, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries (US Pat. No. 6,317,885) in view of Sprague (US PG Pub. No. 2002/0087974).

Regarding claim 1 (Currently Amended), Fries teaches a method of displaying interactive content on a screen displaying audiovisual content transmitted in a digital

television format (Abstract), using a command interface comprising a plurality of inputs (Abstract), said method comprising: associating an interactive subtitle with a link table (col. 25, line 66 – col. 26, line 55 discloses the link tables containing subtitles of hyperlinks), the interactive subtitle being an element of the interactive content (col. 25, line 66 – col. 26, line 55 discloses the link tables containing subtitles of hyperlinks, wherein the hyperlink is the interactive content), the link table relating an input of the command interface to a marked portion of the audiovisual content being displayed on the screen (Fig. 6 shows the subtitles, the hyperlinks 110, and they are marked by the box 112); activating the input of the command interface corresponding to the marked portion of the audiovisual content being displayed on the screen (col. 6, line 66 - col. 7, line 25 discloses the selection of box 112 by the user to go to another page); and in response to activating the input, displaying information specific to the marked portion of the audiovisual content being displayed on the screen (col. 6, line 66 - col. 7, line 25 discloses the selection of box 112 by the user to go to another page).

Fries teaches all the claim limitations as stated above, except displaying the interactive subtitle, wherein the interactive subtitle has a transparent background and is superimposed on the audiovisual content.

However, Sprague teaches displaying the interactive subtitle, wherein the interactive subtitle has a transparent background and is superimposed on the audiovisual content (Figs. 2-4; page 3, 0030-0032).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify the interactive content screen of Fries to

include a transparent background, in order to provide interactive content to the users in layers, which allows the interactive content providers dynamic creation and control over the additional content with the added flexibility of not burdening the broadcast provider.

Regarding claim 11, Fries in view of Sprague teaches all the claim limitations as stated above, except an element of interactive content occupies a limited area of the screen to not hinder visualization of the audiovisual content while still allowing access to information displayed by the interactive content.

However, Sprague teaches an element of interactive content occupies a limited area of the screen to not hinder visualization of the audiovisual content while still allowing access to information displayed by the interactive content (Figs. 2-4).

Apparatus and system **claims 5-6, 15 and 19** are rejected for the same reasons as stated above in the corresponding method claim.

Claims 2-4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries (US Pat. No. 6,317,885) in view of Sprague (US PG Pub. No. 2002/0087974) in further view of Matsubara et al. (US Pat. No. 5,699,106).

Regarding claim 2, Fries in view of Sprague teaches all the claim limitations as stated above, except the digital television format is the DVB format and the interactive subtitles are DVB subtitles.

However, Matsubara et al. teaches the digital television format is the DVB format and the interactive subtitles are DVB subtitles (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to use the DVB format for digital television and

interactive subtitles, in order to allow the system to be compatible when interfacing with the up-link communication and the interactive portions of the display.

Regarding claim 3, Fries in view of Sprague teaches all the claim limitations as stated above, except at least one element of the interactive content is a permanent page, said permanent page being defined by a particular page type.

However, Matsubara et al. teaches at least one element of the interactive content is a permanent page, said permanent page being defined by a particular page type (Fig. 6A, sports and news are both permanent pages).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to provide a permanent page with the interactive content, in order to provide a consistent user interface for ease of use.

Regarding claim 4, Fries in view of Sprague teaches all the claim limitations as stated above, except said permanent page is transmitted in turns.

However, Matsubara et al. teaches said permanent page is transmitted in turns (col. 1, lines 59-66).

Regarding claim 7, Fries in view of Sprague teaches all the claim limitations as stated above, except processing system also comprising a memory unit adapted for storing at least one element of the interactive content.

However, Matsubara et al. teaches processing system also comprising a memory unit adapted for storing at least one element of the interactive content (Fig. 1, 104).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to include a memory to store additional content, in

order to ensure the system isn't overloaded by constantly transmitted data that is more efficiently stored at the user premises.

Regarding claim 8, Fries in view of Sprague teaches all the claim limitations as stated above, except a set top box comprising a processing system as claimed in claim 6 or 7.

However, Matsubara et al. teaches a set top box comprising a processing system as claimed in claim 6 or 7 (Fig. 1, 102).

Regarding claim 9, Fries in view of Sprague teaches all the claim limitations as stated above, except a communication network comprising: a transmitter suitable for transmitting signals representing at least an interactive content; a transmission network; a receiver suitable for receiving said signals; and a processing system as claimed in claim 6.

However, Matsubara et al. teaches a communication network comprising: a transmitter suitable for transmitting signals representing at least an interactive content (Fig. 6A shows the interactive content); a transmission network (col. 1, lines 5-10 disclose the cable television system); a receiver suitable for receiving said signals (Fig. 1); and a processing system as claimed in claim 6 (Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to transmit and receive interactive content via a transmission network, in order to provide the user with an enhanced viewing experience and enjoyment.

Claims 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fries (US Pat. No. 6,317,885) in view of Sprague (US PG Pub. No. 2002/0087974) in further view of Yamashita (US Pat. No. 7,034,879).

Regarding claim 12, Fries in view of Sprague teaches all the claim limitations as stated above, except the audiovisual content includes images of people displayed on the screen marked by numbers of interactive content for selection by activating inputs of the command interface associated with the numbers.

However, Yamashita teaches the audiovisual content includes images of people displayed on the screen marked by numbers of interactive content for selection by activating inputs of the command interface associated with the numbers (Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to include images of people marked by numbers of interactive content, in order to allow a user to efficiently create ID cards for associated users.

Apparatus **claim 16** is rejected for the same reasons as stated above in the corresponding method claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Houser et al. US Pat. No. 5,774,859

b. Katcher et al. US Pat. No. 7,343,617

c. Hendricks et al. US Pat. No. 7,168,084

d. Vallone et al. US Pat. No. 6,642,939

e. Orlick US Pat. No. 7,487,529

f. Markel US PG Pub. No. 2003/0149983

g. Jain et al. US Pat. No. 5,729,471

h. Bove, Jr. et al. US Pat. No. 7,249,367

i. Redling et al. US Pat. No. 7,269,837

j. Toyama et al. US Pat. No. 7,015,934

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is

(571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425